

Practitioner's Docket No. 604.31-US1

CHAPTER II

Preliminary Classification:

Proposed Class:

Subclass:

TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/US00/08114	24 March 2000 (24.03.00)	None
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: CREATION OF CUSTOM MESSAGES USING VIRTUAL PROSPECTING
APPLICANT(S): Thomas BLAKELEY and Richard MCEWAN


Box PCT
Assistant Commissioner for Patents
Washington D.C. 20231
ATTENTION: EO/US

CERTIFICATION UNDER 37 C.F.R. SECTION 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date December 13, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV01336663US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231


Kristin J. Azcona

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1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. Section 371:

- a. This express request to immediately begin national examination procedures (35 U.S.C. Section 371(f)).
- b. The U.S. National Fee (35 U.S.C. Section 371(c)(1)) and other fees (37 C.F.R. Section 1.492) as indicated below:

2. Fees

CLAIMS FEE*	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
BASIC FEE	TOTAL CLAIMS	15 - 20 =	0	x \$18.00 =	\$0 00
	INDEPENDENT CLAIMS	2 - 3 =	0	x \$80.00 =	\$0.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00				\$0.00
	U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in Section 1.482 has been paid on the international application to the U.S. PTO and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 C.F.R. Section 1.492(a)(4)) \$100.00				\$100.00
	Total of above Calculations				= \$100.00
SMALL ENTITY	Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed. (note 37 CFR Sections 1.9, 1.27, 1.28)				- \$50.00
	Subtotal				\$50.00
	Total National Fee				\$50.00
	Fee for recording the enclosed assignment document \$40.00 (37 C.F.R. Section 1.21(h)). See attached "ASSIGNMENT COVER SHEET".				\$0.00
TOTAL	Total Fees enclosed				\$50 00

*See attached Preliminary Amendment Reducing the Number of Claims.

A check in the amount of \$50.00 to cover the above fees is enclosed.

3. A copy of the International application as filed (35 U.S.C. Section 371(c)(2)) is not required, as the application was filed with the United States Receiving Office.

4. A translation of the International application into the English language (35 U.S.C. Section 371(c)(2)) is not required as the application was filed in English.

5. Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. Section 371(c)(3)) are transmitted herewith.

6. A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. Section 371(c)(3)) is not required as the amendments were made in the English language.

7. A copy of the international examination report (PCT/IPEA/409) is not required as the application was filed with the United States Receiving Office.

8. Annex(es) to the international preliminary examination report is/are not required as the application was filed with the United States Receiving Office.

9. A translation of the annexes to the international preliminary examination report is not required as the annexes are in the English language.

10. An oath or declaration of the inventor (35 U.S.C. Section 371(c)(4)) complying with 35 U.S.C. Section 115 is submitted herewith, and such oath or declaration is attached to the application.

II. Other document(s) or information included:

11. An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a) is not required, as the application was searched by the United States International Searching Authority.

12. An Information Disclosure Statement under 37 C.F.R. Sections 1.97 and 1.98 will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. Section 371(c).

13. Additional documents:

- a. Copy of request (PCT/RO/101)
- b. International Publication No. WO01/73641
 Front page only

14. The above items are being transmitted before 30 months from any claimed priority date.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No.: 500341

37 C.F.R. Section 1.492(a)(1), (2), (3), and (4) (filing fees)

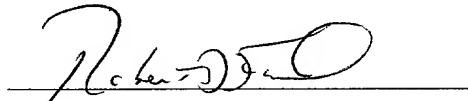
37 C.F.R. Section 1.492(b), (c), and (d) (presentation of extra claims)

37 C.F.R. Section 1.17 (application processing fees)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a))

37 C.F.R. Section 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 20 months after the priority date).

Date: December 12, 2001



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CREATION OF CUSTOM MESSAGES
USING VIRTUAL PROSPECTING

Field of the Invention

The field of the invention is electronic direct marketing.

5 Background of the Invention

Virtual prospecting is the use of electronic direct media to deliver advertising messages to prospects. The process developed considerably since about 1995 with popularization of the Internet, and especially with widespread use of the rich media World Wide Web. More recently virtual prospecting was combined with electronic commercials (e-commercials) to provide highly targeted messages and sophisticated tracking (see PCT/US99/23816, filed 12 Oct. 1999).

There are numerous systems for tracking responses of recipients to electronic commercials. The tracking information in these systems is used for various purposes, notably to obtain additional information about the preferences for individual users. It is known to track subject matter preferences, for example, such as a preference for sports information over political information, or even one color over another. Preference profiles are utilized in selecting additional commercials or other advertising to send to the targeted recipients.

None of the known methods, however, utilize the tracking information to produce subsequent commercials on an individualized basis, sending out the individualized commercial, and then tracking the response to the individualized commercial. Thus, there is a need to provide methods and systems that accomplish that task.

Summary of the Invention

Methods and systems of advertising are provided in which a first electronic commercial is sent to a recipient; a first response of the recipient to the first electronic commercial is tracked and used to create a second electronic commercial individualized at least in part on the response of the recipient to the commercial. The second electronic

commercial is then sent to the recipient, and a second response of the recipient to the second electronic commercial is again tracked. The steps can be repeated advantageously in many circumstances.

Although the entire process can be automated, preferred embodiments include manual operation at desirable points. Thus, it is contemplated that the step of sending the first electronic commercial to the recipient may include manually selecting the recipient from a list of prospective recipients, and/or manually selecting the first commercial from a list of available commercials. Selection may well be made at least in part upon a previously obtained marketing characteristic of the recipient. Manual input is also contemplated in assembling the second electronic commercial from a plurality of alternative components based in part upon a previously obtained marketing characteristic of the recipient.

The various commercials may advantageously comprise executable files, and an identification code, and are preferably communicated to the recipient as an attachment to an e-mail. Commercials may also advantageously include a hyperlink to a web site, and may initiate a substantially synchronous link such as telephone call or chat site between the recipient and a person causing the first electronic commercial to be sent to the recipient.

Various objects, features, aspects and advantages of the present invention will become more apparent from the following detailed description of preferred embodiments of the invention, along with the accompanying drawings in which like numerals represent like components.

Brief Description of The Drawings

Fig. 1 is a schematic of a system according to the inventive subject matter.

Fig. 2 is a schematic of a commercial according to the inventive subject matter.

Fig. 3 is a custom commercial according to the inventive subject matter.

Fig. 4 is a flowchart of a preferred method according to the inventive subject matter.

Detailed Description

5 In **Figure 1**, an agent 10 selects a list of prospects from a prospects database 20, and a canned commercial 32 from a commercials database 30. In this instance the commercial 32 is sent to three recipients 50A, 50B, and 50C. Recipient 55A responds to the commercial 32, possibly by doing nothing more than opening the commercial 32, or possibly by actively selecting an icon within the commercial 32. The responses 55A is
10 transmitted back to the agent 10, who then uses the response 55A to custom select components (not shown) from the components database 40 to produce a second commercial 42A, which is then transmitted to recipient 50A.

Recipient 50B also responds to commercial 32, in this case by opening a chat style dialog box 55B with agent 10. Recipient 50C also responds to commercial 32, by opening
15 a telephone link 55C between the recipient 50C and the agent 10.

Of course, steps in the process can be mixed with each other or repeated, so that the agent can have numerous interactions with individual recipients on a customized basis. For example, a third commercial (not shown) could be custom generated from the components database 40 based on a response (not shown) of recipient 50A to the custom
20 commercial 42A. Similarly, agent 10 may send customized commercials 42B and 42C to recipients 50B and 50C based upon the interactions in the chat dialog box 55B and the telephone link 55C, respectively.

Agent 10 can have all sorts of relationships to one or more advertisers. For example, agent 10 may be an inside or outside sales representative or customer service
25 employee for an advertiser. Agent 10 may alternatively be employed by a marketing firm, or may be an independent contractor, distributor, and so forth. There may be any number of agents using the same databases 20, 30, 40, either in their entirety, or more likely using only subsets as controlled by a sales or other manager. Various agents may all be rigidly connected to a single mainframe in a local area network, they may be linked by a

virtual private network, or they may be linked only in the sense that they can access common data.

Agent 10 can be a natural person, or a machine. In machine embodiments, for example, agent 10 can be a media server.

5 The prospects database 20 may be publicly accessible, or more likely is a proprietary database. The same is true for the canned commercials database 30 and the components database 40. The databases 20, 30, 40 may independently be purchased, rented, leased, or borrowed by the agent 10, or they may be used under some other arrangement such as a commission or rebate structure. The canned commercials database 10 30 and the components database 40 each preferably contain dozens, hundreds, or even thousands of rich media elements, including for example video and/or audio clips. Commercials such as 32, 42A, 42B, and 42C may be entirely devoted to a single vendor, but may also involve cross branding.

15 A preferred emphasis throughout the systems and methods discussed herein is achieving cost-effectiveness, and agent 10 will likely want to spend the most time with recipients that provide his or her with the most revenue. Also, while in some instances there may be only a single canned commercial available to agent 10 from the canned commercials database 30, listed on the commercials database 30, in most instances there will be a plurality of commercials, and agent 10 will try to select commercials appropriate 20 for the targeted recipients. This may advantageously be accomplished using additional information present in the prospects database 20. For example, the agent 10 may understand that a given prospective recipient falls within a particular age or income range, or is a particular sex, and the selection of a commercial to send to that prospect may be made on that basis. It is also contemplated that an agent may select more than one 25 commercial for a given recipient.

With current technology the commercials on the commercials database 30 are very likely to be canned commercials that differ from one another by language, content, medium or in some other manner. It is contemplated, however, that even these commercials can be dynamically customized to the prospect as set forth in PCT

application serial number US99/23781 filed on October 12, 1999, which is incorporated herein by reference.

The term "commercial" is used herein in a very broad sense to mean any message intending to motivate a recipient to take an action favorable to an advertiser. Commercials may be simple textual banner ads, but more preferably include rich-media graphics such as animation, a photograph or other image, or an audio tract. Still more preferred commercials include video and branding graphics. Especially preferred commercials will be those that communicate a value proposition communicated in 30 seconds or less. Currently the most preferred commercials include an audio tract, a video tract, branding graphics, and hyperlinks, all delivered in a single executable file. These and other embodiments are as described in PCT application serial no. US99/29639 filed on December 13, 1999 and Provision application serial no. 60/159049 filed on October 12, 1999, which are incorporated herein by reference. Still other preferred embodiments include "slide-show" commercials as described in PCT application serial no. US99/23822 filed on October 12, 1999, which is incorporated herein by reference.

The term "advertisers" is used herein in the broadest possible sense, including any entity trying to impact the thinking or behavior of others. In many instances the desired impact will include motivating the recipient to purchase goods or services. In other instances the desired impact may be to cause the recipient to vote in a given manner in an election, or a poll. In still other instances the desired impact may be of a very general nature, perhaps increasing societal awareness of alcoholism.

A major advantage of electronic direct marketing is that it lends itself readily cross branding. An advertisement for vacation trips to the Bahamas may include logos for a fast food chain, or swim wear, or even television shows dealing with travel. Not only does a single message provide impression for each of the multiple marketers, but the inclusion of multiple, well-recognized brands may lend credibility to a new brand, or may lend a certain image of modernity to an older brand.

Mailing of one or more of the commercials 32, 42A, 42B, and 42C may be accomplished from the agent's own computer (not shown), but may alternatively be

made from a high volume electronic mailing company (not shown) that sends out perhaps hundreds of thousands or even millions of messages per month. An exemplary such company is ecommercial.com, Inc. based in Southern California, USA. The mailing company may or may not take part in initially producing the commercials, and may or
5 may not take part in customizing the commercials. The mailing company would almost certainly charge for its services, most likely on an incremental basis as a function of the number of messages communicated to prospects, the length of the commercials, and so on. Because of the high traffic involved, the mailing company may advantageously employ outbound trafficking technologies such as those described in PCT application serial no.
10 US99/22948 filed on October 12, 1999, and Provisional applications 60/158926, 60/158925, 60/158993 all filed on October 12, 1999, each of which is incorporated herein by reference.

Communication of one or more of the commercials 32, 42A, 42B, and 42C preferably takes place electronically via a public access network such as the Internet (not
15 shown), but may additionally or alternatively take place by any suitable method. It is, for example, contemplated that such communication may take place, at least for some prospects, by e-mail, facsimile, or even physically carried postal type mail. A response may also occur through some medium other than that used to deliver the commercial. One simple example is where the commercial motivates the prospect to physically visit a retail
20 store or other outlet to make a purchase.

One particularly advantageous method of responding involves the prospect engaging an icon, button, or other trigger that sends a message back to either the originating agent 10 or some other agent (not shown). The message may, for example, ask that the agent call the prospect on the telephone, or send additional information. A system
25 that provides such phone response tracking is Instantcall™. As another example, the message may open a chat room type dialog between prospect and agent, such as that provided by Eyecontact™. Such responses are highly desirable because they initiate a substantially synchronous link between the prospect and the agent.

Tracking of recipient responses over time is also contemplated. Such information
30 may be advantageously tabulated or in some other manner summarized, and provided back

to the initiating agent 10 to assist him or her in becoming more cost-effective. One particularly valuable type of information that can be provided to the agent 10 is a sorting of prospects by action. Such sortings allow the agent to allocate his or her time more efficiently, by prioritizing or taking different steps with respect to prospects as a function of the actions taken by the prospects.

A significant advantage to the above-described methods and systems is that they allow sales and marketing people to rapidly distinguish among suspects, prospects, qualified prospects, and intenders, and then act upon that information by sending out custom commercials or interacting in some other manner. This should be especially beneficial to insurance companies, health care providers, and other entities that market by on winnowing down multiple leads to focus on qualified prospects.

In **Figure 2** a standard commercial 32 selected from the commercials database 30 generally includes an audio-video display 110 with associated control buttons 112, icons 120 for selecting other audio-video clips to play in display 110, a questionnaire section 130 that can be answered using buttons 132A, 132B, 134A, 134B, a chat button 140, and a telephone button 150. Many variations of all of these elements are known by themselves, and all such variations and combinations of variations are contemplated. For example, the questionnaire section 130 can be embodied in any manner, with any number of questions or statements, that can be answered in any suitable manner, such as by typing in an answer, selecting from a list, clicking on radio buttons, etc. The chat button 140 may open a dialog box such as that of dialog box 55B in Figure 1. The telephone button 150 may open a telephone connection such as that of telephone link 55C in Figure 1.

In accordance with the inventive subject matter, standard commercial 32 can be transmitted to recipients 50A, 50B, 50C, and each of these recipients responds as discussed above. **Figure 3** shows a custom commercial 42A created by agent 10 from components in the components database 40. In this example the agent 10 included a custom text message 43, custom selected icons 44, a new display 45 with control , another chat button 47, another telephone link buttons 48, and another questionnaire portion 49. Those skilled in the art, of course, will immediately recognize that there are innumerable

alternative styles and contents for custom commercial 42A, just as there are for standard commercial 32.

In **Figure 4** a method 200 of advertising comprises: sending a first electronic commercial to a recipient 210; tracking a first response of the recipient to the first electronic commercial 220; creating a second electronic commercial individualized at least in part on the response of the recipient to the commercial 230; sending the second electronic commercial to the recipient 240; and tracking a second response of the recipient to the second electronic commercial 250.

Thus, specific embodiments and applications of virtual prospecting have been disclosed. It should be apparent, however, to those skilled in the art that many more modifications besides those already described are possible without departing from the inventive concepts herein. The inventive subject matter, therefore, is not to be restricted except in the spirit of the appended claims. Moreover, in interpreting both the specification and the claims, all terms should be interpreted in the broadest possible manner consistent with the context. In particular, the terms "comprises" and "comprising" should be interpreted as referring to elements, components, or steps in a non-exclusive manner, indicating that the referenced elements, components, or steps may be present, or utilized, or combined with other elements, components, or steps that are not expressly referenced.

CLAIMS

What is claimed is:

1. A method of advertising, comprising:
 sending a first individualized electronic commercial to a recipient;
 tracking a first response of the recipient to the first electronic commercial;
 creating a second electronic commercial manually individualized at least in part on
 - the response of the recipient to the first commercial;
 sending the second electronic commercial to the recipient; and
 tracking a second response of the recipient to the second electronic commercial.
2. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes manually selecting the recipient from a list of prospective recipients.
3. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes selecting the first commercial from a list of available commercials.
4. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes assembling the first electronic commercial from a plurality of alternative components based at least in part upon a previously obtained marketing characteristic of the recipient.
5. The method of claim 1 wherein the step of creating a second electronic commercial includes assembling the second electronic commercial from a plurality of alternative components based in part upon a previously obtained marketing characteristic of the recipient.
6. The method of claim 1 wherein the step of sending the first electronic commercial to the recipient includes assembling the first electronic commercial from a plurality of alternative components based at least in part upon a first previously obtained marketing characteristic of the recipient, and the step of creating a second electronic commercial includes assembling the second electronic commercial from

the plurality of alternative components based in part upon a second previously obtained marketing characteristic of the recipient.

7. The method of claim 1 wherein both the first electronic commercial and the second electronic commercial are executable files.
8. The method of claim 1 wherein the commercial includes an identification code.
9. The method of claim 1 wherein the second commercial is communicated to the recipient as an attachment to an e-mail.
10. The method of claim 1 wherein the commercial includes a hyperlink to a web site.
11. The method of claim 1 wherein the step of tracking includes determining whether the first electronic commercial is opened.
12. The method of claim 1 wherein the step of tracking includes initiating a substantially synchronous link between the recipient and a person causing the first electronic commercial to be sent to the recipient.
13. The method of claim 12 wherein the substantially synchronous link comprises a telephone call.
14. The method of claim 12 wherein the substantially synchronous link comprises a chat site.
15. The method of claim 1 wherein at least one of the steps of sending a first electronic commercial to a recipient and creating a second electronic commercial individualized at least in part on the response of the recipient to the commercial are executed automatically by an electronic agent.

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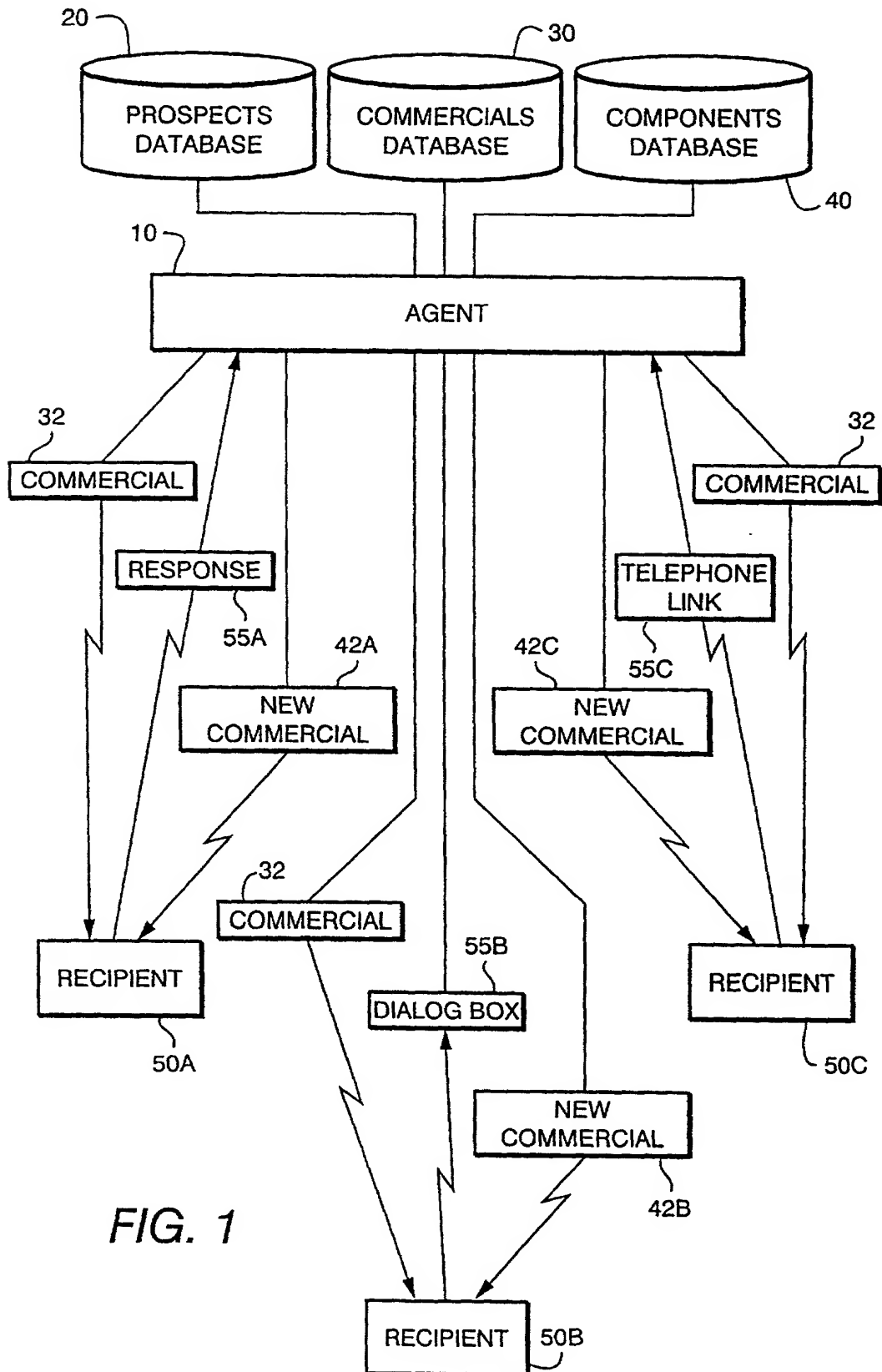


FIG. 1

2/3

FIG. 2

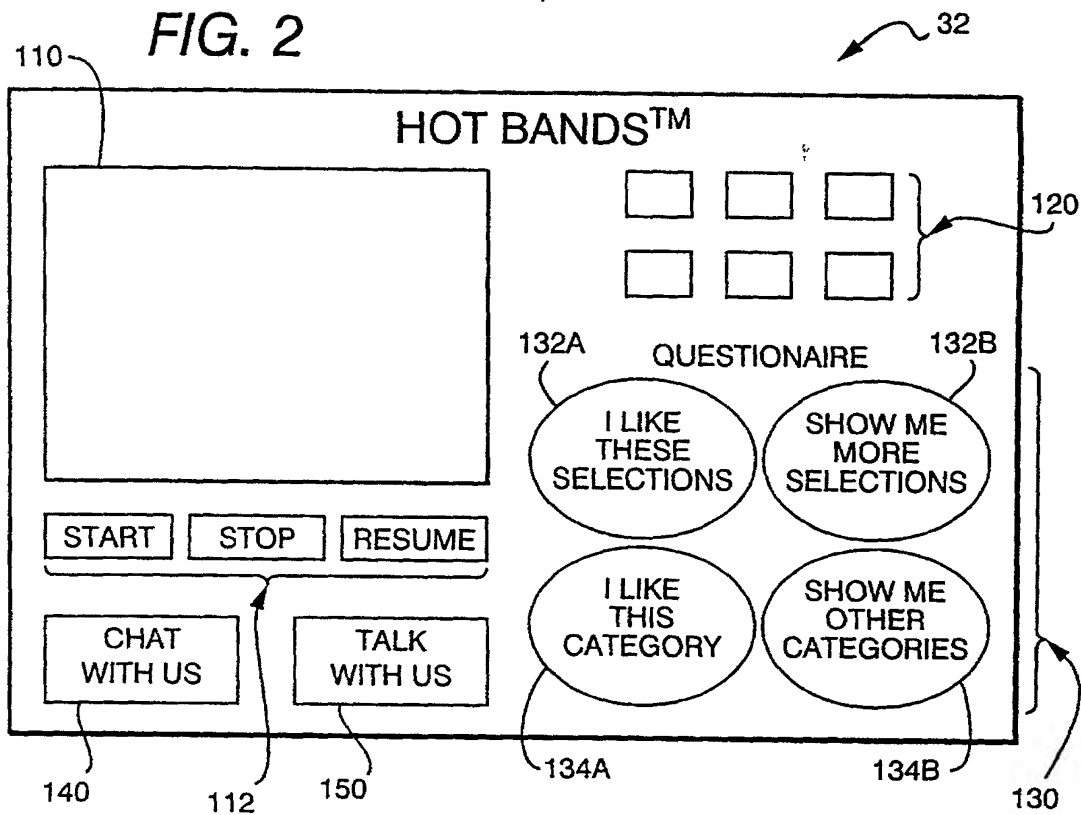
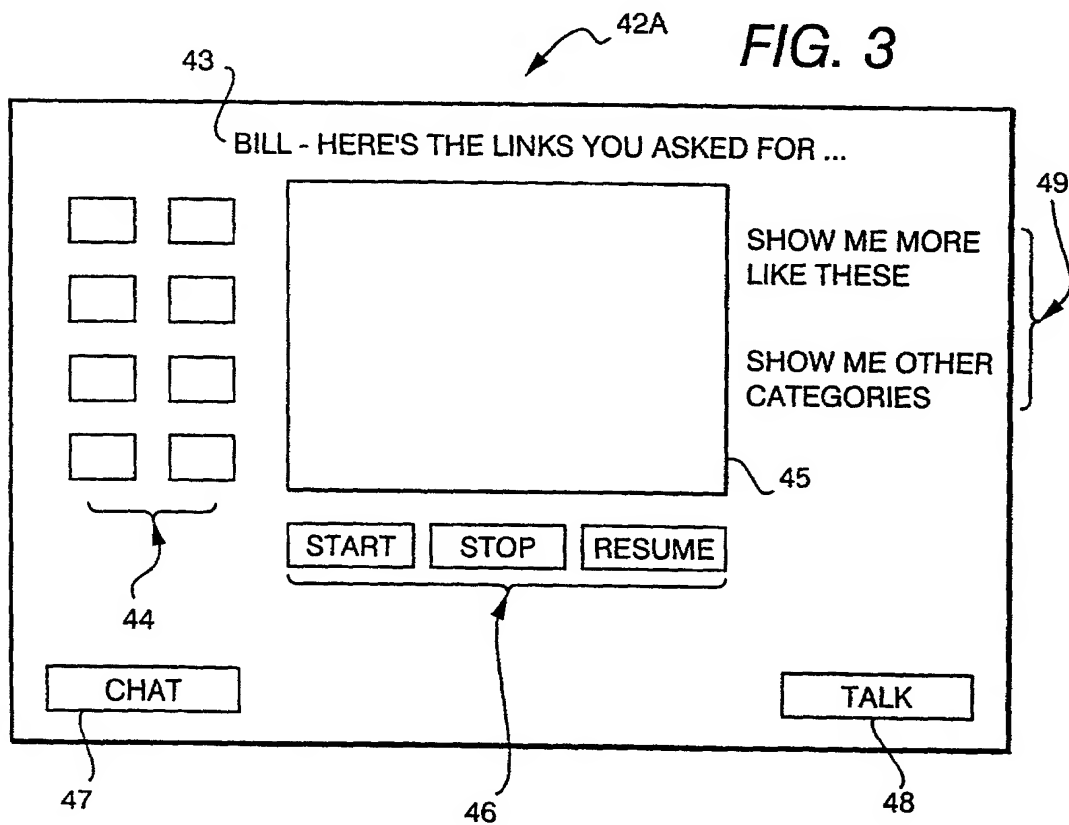


FIG. 3



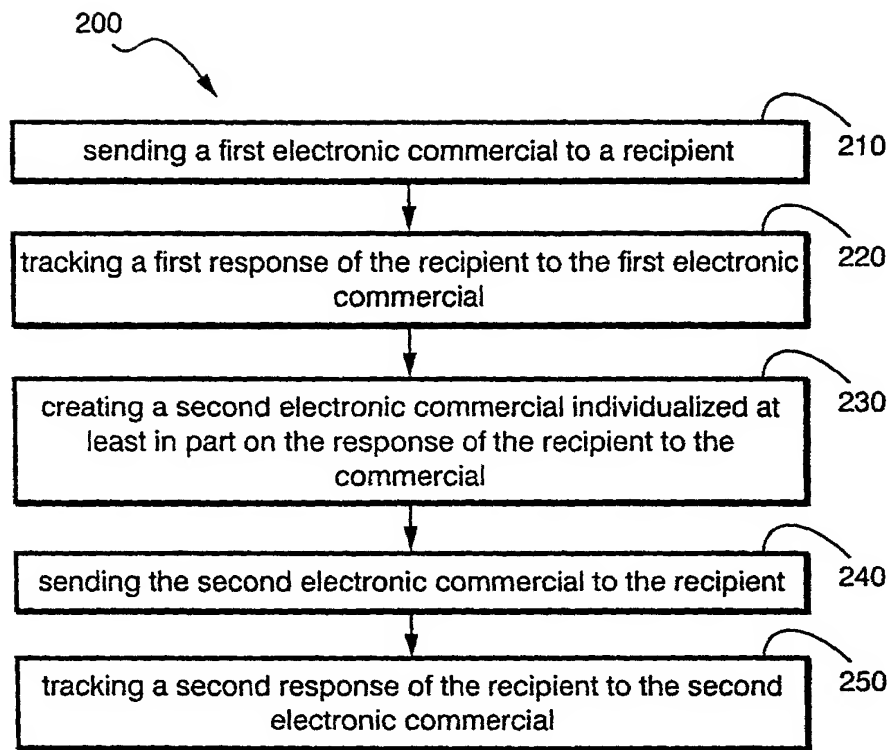


FIG. 4

COMBINED DECLARATION AND POWER OF ATTORNEY

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a national stage of PCT application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

CREATION OF CUSTOM MESSAGES USING VIRTUAL PROSPECTING

SPECIFICATION IDENTIFICATION

The specification was described and claimed in PCT International Application No. PCT/US00/08114 filed on March 24, 2000.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also

identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

INDICATE IF PCT	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
PCT	PCT/US00/08114	24 March 1999	Yes

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
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Sandra P. Thompson	46264
Martin Fessenmaier	46697

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

1-0
Thomas Blakeley

Inventor's signature

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■■■■■■

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